

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Second Appeal No. 180/2016

Prabhu s/o Motiram Pamnani V/s Krishi Utpanna Bajar Samiti Khamgaon Thr. Its
Secretary

Second Appeal No. 181/2016

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A.V.Bhide, Advocate for appellant.

CORAM : A.S.CHANDURKAR, J.

DATE : July 26, 2017

Both these appeals are being decided by this
common order.

The appellant is the original defendant in two suits
that was filed by the respondent seeking damages. It is
the case of the original plaintiff that it had auctioned
various shops to licence holders for carrying on business.
The defendant was granted shop nos. 8 and 10 for a
period of one year from 01/10/1989 to 30/09/1990. As
vacant possession was not handed over after
30/09/1990, two suits were filed for claiming damages
at the rate of Rs. 25 per day per shop.

The Trial Court decreed the suits by holding that

the occupation of the defendant after 30/09/1990 was as a trespasser. The appellate court has confirmed this decree.

After hearing Shri Bhide, learned counsel for appellants, I find that both the Courts rightly held the plaintiff entitled to damages at the rate of Rs. 25 per day. In terms of the auction, the defendant was put in possession for a period from 01/10/1989 to 30/09/1990. As per the agreed terms, the defendant was required to pay damages at the rates of Rs. 25/- per day per shop if possession was not handed over after 30/09/1990.

In the light of this clear condition in the auction notice, the Second Appeals do not give rise any substantial question of law. The same are accordingly dismissed. No costs.

JUDGE